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Student Random Alcohol and Drug-Testing Policy

5530.1 - STUDENT RANDOM ALCOHOL AND DRUG-TESTING POLICY

It is the responsibility of the Board of Education to safeguard the safety of the pupils in the schools and promote an orderly learning environment. We, therefore, must maintain that the use of drugs and unlawful possession and use of alcohol is wrong and harmful. The Board recognizes that the misuse of drugs, alcohol or steroids threatens the safety of the pupils and the orderly learning environment of the entire school community. The Board of Education is committed to the prevention of drug, alcohol and steroid abuse.

The Board of Education authorized administration to conduct research, obtain law enforcement data and solicit community opinion into the problem of illicit drug and alcohol use. Using an informal community survey, several presentations at public board meetings, and a community forum, information was obtained to gain an understanding of current drug and alcohol use among students and to assess community opinion with regards to this societal problem. The information gained, as well as a strong mandate from community input, warrants additional attention be devoted to this problem.

The Board of Education recognizes that the problem of illegal drug and alcohol use presents a continuing challenge in its schools and a clear danger to the pupil population as a whole. The district's commitment to maintaining athletics, co-curricular activities and parking in a safe and secure environment requires a clear policy and supportive programs relating to the deterrence of substance use by pupils involved in athletics and co-curricular activities.

Participation in athletics, co-curricular activities and parking on campus is a privilege. Pupil participants, by virtue of their voluntary decision to participate in these co-curricular and athletic activities, and because of their position as school leaders and role models in the school community, have a heightened responsibility to be drug and alcohol free. The district is committed to being proactive in ensuring the safety of all pupils participating in athletics, co-curricular activities and parking.

Consistent with the U.S. Supreme Court Ruling, *Board of Education of Independent School District No.92 of Pottawatomie County et al v. Earls et al.*, 536 U.S. 822 (2002) and the New Jersey Supreme Court Ruling in *Joye v. Hunterdon Central Regional High School Board of Education*, 176 N.J. 568 (2003), the Board of Education directs the Chief School Administrator to implement and conduct a program of random drug testing of pupil participants in athletics, co-curricular activities, pupils granted parking permits for on-campus parking, pupils who have violated the district substance abuse policy, and pupils who voluntarily elect to participate in the program with parental consent. Eligibility shall apply to the entire academic year. The Principal or his/her designee shall oversee the Policy and Procedure.

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Design of the program shall be consistent with the Board of Education's objectives, which are as follows:

- Promote safety;
- Deter drug use, thereby countering peer pressure which may encourage indulgence;
- Promote an orderly learning environment; and
- Encourage and invite voluntary testing.

Primary emphasis in administering this program shall be directed toward deterrence and remediation rather than punishment of pupils who test positive for alcohol, non-prescribed medications, illegal drugs or their metabolites. Sanctions and corrective action shall be designed accordingly. This policy and its implementing regulations shall be made available annually, at the beginning of the school year, to all school employees, pupils and parent(s) or legal guardian(s). This Policy is NOT intended to be disciplinary or punitive in nature. No pupil shall be expelled or suspended from school as a sole result of any verified positive test conducted by the school under the Random Drug Testing Program.

This Policy shall apply to all Pequannock Township School District students in grades 9-12 who participate in any athletics, co-curricular activities, or who possess an on-campus parking permit. This Policy shall also apply to all Pequannock Township School District students in grades 6 to 12 who voluntarily elect to participate in the program with parental consent.

Definitions:

Drugs - All controlled substances designated and prohibited as stated in the Board's Substance Abuse Policy #5530 and N.J.S.A. 23:21-2, N.J.S.A. 2A:170-25.9, N.J.S.A. 2C:35.2. For the purpose of this Policy, a drug includes, but is not limited to, alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, MDMA (a/k/a Ecstasy), methadone, methamphetamine, opiates, oxycodone, PCP, anabolic steroids, tricyclic antidepressants or any other substance which is defined as a controlled substance by New Jersey law or their metabolites.

Alcoholic Beverages - Includes beer, wine, distilled liquors and any other liquid containing alcohol.

Medications - All medications, including over the counter drugs, must be properly registered with the school nurse. N.J.S.A. 18A:40-12.4.\

Activities - Any extra-curricular activities not required by the Board of Education for graduation.

Non-Negative – A drug screen that indicates the presence of metabolites and needs to be sent to the laboratory for confirmatory testing

Confirmed Positive – A positive result from confirmatory testing at the laboratory

EtG Test – A laboratory test for the presence of Ethyl glucuronide (EtG), a biomarker resulting from the consumption or absorption of alcohol.

STUDENT RANDOM ALCOHOL AND DRUG TESTING REGULATIONS

Testing Coordinator

- School Principals or their designees will coordinate and supervise the Random Drug and Alcohol Testing Program for students.

Eligibility for Testing – Pequannock Township High School

- All students in Pequannock Township High School who participate in any athletics, co-curricular activities, or school clubs, have been granted parking permits for on-campus parking, have violated the district substance abuse policy, and students who elect to participate in the Random Drug and Alcohol Testing Program (Program) with parental consent will be eligible for the random drug testing pool (Testing Pool).
- For the High School, the Consent to Test Form must be submitted to the appropriate coach, advisor, or testing coordinator for parking permits and volunteers for the program.
- Student athletes at the high school must submit Consent to Test Forms on or before the first day they participate in practice. Failure to do so will result in ineligibility for athletic participation until the form is submitted. The Director of Athletics will oversee the collection of Consent to Test Forms by coaches.
- Students involved in co-curricular activities or school clubs must submit the Consent to Test Form no later than their attendance at a second meeting of the club or activity. Failure to do so will result in ineligibility for participation in the club or activity.
- Students who are granted a parking permit for on-campus parking must submit the Consent to Test Form prior to the first day of parking. Failure to do so will result in ineligibility for parking on campus.
- Students who have violated the District Substance Abuse Policy will be required to submit a “Consent to Test Form” prior to their return to school following suspension. Failure to do so will result in the student being deemed in violation of the District Substance Abuse Policy #5530.
- Students who volunteer to participate in the Program shall be allowed to enter the Testing Pool at any time after submission of a completed Consent to Test Form.

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- Students remain eligible for random drug testing from the date the Consent to Test Form is turned in through an entire calendar year, whether or not they have been previously tested or are currently participating in athletics or co-curricular activities at the time they might be randomly selected for a drug test.
- In the event that a student eligible for random alcohol and drug testing ceases to participate or withdraws from all athletics, co-curricular activities or school clubs, or student parking, he or she has the opportunity to submit to the Principal or administrative designee an Activity Drop Form. This Activity Drop Form shall remain in effect for a minimum of one calendar year, with a built-in fifteen (15) day grace period for reconsideration. In order for a student's withdrawal to be effective and thereby remove him or her from the Testing Pool, the Activity Drop Form must be signed by both the student and a parent/guardian.
- Students who volunteer to be part of the testing pool may opt out of the program by submitting a drop form signed by the student and parent(s)/guardian(s).
- The district will test up to 50% of the total number of students in the Testing Pool annually.

Eligibility for Testing – Pequannock Valley School

- Pequannock Valley School students who volunteer to participate in the Program shall be allowed to enter the Testing Pool at any time once they submit a Consent to Test Form signed by both the student and parent(s)/guardian(s).
- Pequannock Valley School students who have violated the District Substance Abuse Policy will be required to submit a Consent to Test Form prior to their return to school following suspension. Failure to do so will result in the student being deemed in violation of the District Substance Abuse Policy #5530.
- Pequannock Valley School students remain eligible for random drug testing from the date the Consent to Test Form is turned in through an entire calendar year. Should a student and his or her parents wish to remove the student from the voluntary testing program, they must submit an Activity Drop Form signed by both the student and a parent/guardian. Pequannock Valley School students who are part of the testing pool because of a violation of the District Substance Abuse Policy #5530 must remain in the testing pool.
- The district will test up to 50% of the total number of Pequannock Valley School students in the Testing Pool annually.

Testing Procedures

- A confidential testing schedule will be created by the administration prior to the initiation of the program to ensure that the testing of eligible students is conducted in a manner that is random.
- Testing will only occur on student contact days during the academic year.
- Selection of eligible students for testing will be conducted in a purely and entirely random basis, which will be carried out as follows:
 - The students eligible for testing will be assigned random identification numbers in order to maintain confidentiality and to ensure the integrity of the randomness of the testing program. These numbers may be changed periodically to further ensure randomness.
 - The testing coordinator will utilize a random number generator in the Excel spreadsheet program to select random numbers for each testing day. The coordinator will select a sufficient number of students to ensure that an adequate number of tests can be performed on that testing day. This accounts for student absences from school or other contingencies.
 - The testing coordinator or designee will notify the individuals selected for testing (Participants) and escort the Participants to a secure testing site. The Testing Site will have a secured bathroom that will maximize the privacy of the participant and ensure the integrity of the sample collection process. Possible measures include turning off or that toilet water will be blue to prevent adulteration of test specimens.
 - In the event of a student absence, an alternate selection will be made from the testing pool.
 - Every effort will be made to minimize the disruption to the academic progress of classes and to maintain the confidentiality of students selected for testing.

Collection of Samples

- All aspects of the Program, including the taking of specimens, will be conducted so as to safeguard any and all personal and/or privacy rights of the Participant to the maximum extent possible. The Policy treats a participant's test results as a confidential health record pursuant to both federal and state regulations. 42 C.F.R., 2.1 and 2.2; N.J.A.C. 6A: 16-1.5. As such, any information obtained by the Program which would identify the Participant as a drug or alcohol user may be disclosed only for those purposes and under those conditions permitted by federal regulations in accordance with 42 C.F.R. – Part II.

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- No testing record of any Participant will be used to initiate or substantiate any criminal charges against a Participant or to conduct any investigation of him or her, and the district shall not share Participant's individual test results with law enforcement authorities.
- In administering the Program, the district will test for the presence of certain substances that may include, but are not limited to the following substances or their metabolites: alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, MDMA (a/k/a Ecstasy), methadone, methamphetamines, opiates, oxycodone, PCP, anabolic steroids, tricyclic antidepressants, and/or any other substance defined as a "controlled substance" by either New Jersey or Federal law.
- The Participant shall submit a urine and/or saliva screen in one of two ways:
 1. External – Participant(s) shall be transported to a local licensed medical facility for testing.
 2. Internal -
 - ✓ The Participant shall complete a specimen control form that bears the assigned identification number. Only designated school personnel shall know the assigned number for each participant.
 - ✓ The Test Administrator will collect specimens from the selected student and conduct an initial on-site test on the specimen. If the specimen produced is determined to be a "non-negative," the specimen will be forwarded to a licensed laboratory for confirmatory testing.
 - ✓ In the case of a non-negative saliva screen for alcohol, an active breath alcohol test will be used to confirm the non-negative result. A urine sample will also be forwarded for EtG test analysis. If the breath alcohol test is non-negative, the student will be referred to the administration for parent contact and medical assessment in order to obtain clearance for continued attendance at school. A written report of the medical examination verifying that the student may return to school must be submitted to the school administration.
- Any attempt by a Participant to tamper with the specimen collection process will deem and constitute the specimen as positive.
- Refusal of a Participant to provide a sample will be interpreted as a positive result.
- All efforts will be made to minimize the instructional impact of testing and to maintain the confidentiality and privacy rights of Participants. All urine testing will be conducted in a closed-door restroom without direct observation by adult monitors.

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- If during the sampling process, district staff become suspicious that the Participant is at that moment under the influence of drugs or alcohol the district's policy 5530 – Substance Abuse will be implemented.

Notification of Testing and Testing Results

- The parent(s) or guardian(s) of students selected for testing will receive a phone call or message following a Participant's completion of the Testing Process with information concerning the preliminary results. Parents will be notified if the screen is negative. If the screen is "non-negative" the parents will be told that the sample is being sent for further evaluation.
- Where a Participant's test is confirmed positive, the Participant's parent(s) or guardian(s) will be contacted directly by a Medical Review Officer (MRO) to conduct a consultation. The consultation will address the reasons for the positive test and a decision will be made by the MRO regarding the legitimacy, validity, or accuracy of a positive test. The MRO will determine if that substance has been taken pursuant to a legal prescription.
- Results of the Participant's test confirmed by the MRO will be provided to the designated personnel within twenty-four (24) hours of the MRO's consultation with the Participant and his or her parent(s) or guardian(s).
- Participants' test results will be kept in confidential files separate and apart from his or her other educational records, and shall be disclosed only to those personnel who have a need to be informed regarding the result of the test in order to implement or oversee implementation of the Program or the consequences of violating the policy. Student drug testing information resulting from the Program will not be turned over to any law enforcement authorities except under circumstances in which the district is legally compelled to surrender or disclose such test results. N.J.A.C. 6A:16-3.2.
- The district respects the privacy of its students and shall maintain confidentiality regarding any alcohol and drug testing for this Program. The results will only be released to parent(s) or guardian(s) of the student and the SAC (Student Assistance Counselor). All records and subsequent actions shall be kept in a file separate from the student's regular file. The district personnel will not release records of drug and alcohol tests or any resulting action to anyone other than the pupil and/or his/her parent/guardian without the written authorization from the pupil and/or his/her parent/guardian in accordance with 42. C.F.R. – Part II.

Consequences

- Consequences will result from the following:
 - A confirmed positive alcohol or drug test,
 - Refusal to participate in testing when selected, and/or
 - Tampering with the specimen collection process.

- High School students will be ineligible for participation in any athletics, co-curricular activities, or school clubs, or parking on campus unless they complete the Random Drug and Alcohol Testing Program: Consent to Test Form.

Consequences of a Confirmed Positive – Pequannock Township High School

- For all positives except those found through the EtG test for alcohol, the Participant will be removed from any athletics, co-curricular activities, or school clubs as well as have his/her parking permit revoked for a minimum period of thirty (30) calendar days. Positives found using the EtG test for alcohol may continue to participate in all extra curricular activities.
- The Participant shall have a minimum of three (3) visits with the Student Assistance Counselor (SAC), one of which must occur within the week immediately following the confirmed positive test.
- The Participant shall attend an early intervention or counseling program, preferably within the school or with a community partner. If greater support is determined to be warranted, the Participant shall attend at an agency approved by the Department of Health and Senior Services as an appropriate substance abuse treatment center and must enter the approved program within one (1) week of referral.
- The parent(s)/guardian(s) are responsible for the cost of the treatment program and shall provide written proof of attendance.
- Any previously identified ineligible Participant must submit a negative drug test prior to returning to any athletics, co-curricular activities, or school clubs as well as before having his or her parking permit reinstated. This follow-up drug test may be performed at school using the approved urine screen upon agreement between the student's family and the administration/SAC. Should this re-screen be a "non-negative" the sample shall be sent for confirmatory testing and MRO analysis as described above.
- For all positives except those found through the alcohol EtG test, if the Participant submits a confirmed positive drug test a second time, the Participant will forfeit the privilege of participation in any athletics, co-curricular activities, or school clubs as well as having his/her parking permit revoked for a minimum period of ninety (90) calendar days*. Positives found using the alcohol EtG test may continue to participate in all extracurricular activities.

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* Students will have the option to enter a Follow-Up Testing Program which will reduce the length of this consequence to sixty (60) calendar days. Follow-up testing would require students to be tested weekly during the period of suspension from athletics and activities. This follow-up testing would continue throughout the original ninety-day time period. A positive retest will negate any reduction in the consequence period.

- A Participant who submits a confirmed positive drug test a second time must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. This evaluation must be performed by a substance abuse professional approved by the Department of Health and Senior Services or Department of Education as an appropriate substance abuse treatment provider.
- For all positives except those found through the alcohol EtG test, if the Participant submits a confirmed positive drug test a third time, the Participant will forfeit the privilege of participation in any athletics, co-curricular activities, or school clubs as well as having his/her parking permit revoked for a minimum period of one calendar year. Positives found using the alcohol EtG test may continue to participate in all extracurricular activities.
- Participants who submit a confirmed positive drug test a third time must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. This evaluation must be performed by a substance abuse professional approved by the Department of Health and Senior Services or Department of Education as an appropriate substance abuse treatment provider.
- Failure to follow through on procedures as set forth herein will result in Participant being deemed ineligible for any athletics, co-curricular activities or school clubs, or parking on campus. The administration reserves the right to apply consequences beyond the denial of participation should the student/parents continue to ignore the deadlines for compliance regarding follow-up testing, SAC evaluation, and/or attendance in an Early Intervention Program.

Consequences of a Confirmed Positive – Pequannock Valley School

- The Participant shall have a minimum of three (3) visits with the Student Assistance Counselor (SAC), one of which must occur within the week immediately following the confirmed positive test.
- The Participant shall attend an Early Intervention Program, preferably within the school or with a community partner. If greater support is determined to be warranted, the Participant shall attend at an agency approved by the Department of Health and Senior Services as an appropriate substance abuse treatment center and must enter the approved program within one (1) week of referral.

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- The parent(s)/guardian(s) are responsible for the cost of the treatment program.
- A Participant who submits a confirmed positive drug test a second or third time must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. This evaluation must be performed by a substance abuse professional approved by the Department of Health and Senior Services or Department of Education as an appropriate substance abuse treatment provider.

Appeal Procedure

- A Participant or his or her parent(s) or guardian(s) may request a retest of his/her specimen at his/her own expense at a laboratory approved by the district and which follows federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards concerning drug testing protocols and procedures. Written requests must be received by the school administration within forty-eight (48) hours of receiving the results of their drug test. The specimen previously submitted will be forwarded to the approved lab in cooperation with the district-approved outside agency responsible for confirmatory testing.

Annual Reporting

The Superintendent or his/her designee will report to the Board of Education on an annual basis regarding the results of all random drug tests generated through this policy.

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